

REMARKS

Applicant gratefully acknowledges the telephonic interview conducted with the Examiner on August 28, 2003. Applicant has attempted to address the issues raised by the Examiner in the interview with this response.

Applicant requests reconsideration of the application in view of the preceding amendments and the following remarks. Claims 1-21 have been amended. The amendments to claims 2-11, 13, 14, 17, 18, 20 and 21 are to correct a grammatical error and are not related to the patentability of the claims. New claim 23 has been added. Claims 1-23 are pending. Claims 1, 12, 15, 16, 19, 22 and 23 are independent claims. Support for the amendments to the claims is found in the specification and drawings as filed. No new matter has been added in making the amendments herein.

It is respectfully noted that claims 1, 12, 15 and 23 recite an "outer surface" of the structural support (claims 1 and 23), stent (claim 12) or structural member (claim 15). It is further respectfully noted that this "outer surface" is different than the "exterior of the stent" recited in claims 1, 12, and 23 or the "exterior surface" recited in claim 15 since "exterior" refers to the surface formed by the first and second layers of the polymeric film or sheet or tube while "outer surface" refers to the surface of the underlying structural support or stent.

SECTION 102 REJECTION

The Examiner rejected claims 1, 8, 11 and 12 under 35 U.S.C. § 102(b) as being anticipated by Myers et al. U.S. Patent No. 5,700,285. Applicant respectfully traverses this rejection.

Independent claims 1 and 12 have been amended to recite the limitation that the polymeric film or sheet or tube is retained to the structural support or stent, respectively, entirely by friction and without the use of adhesive or chemical bonding. It was respectfully submitted to the Examiner in the telephonic interview on August 28, 2003, and the Examiner apparently agreed, that Myers et al. neither teaches nor suggests this

limitation. Instead, Myers et al. teaches the use of adhesive to affix a PTFE film to a stent. See Myers et al. at col. 3, ll. 1-2, col. 4, l. 63 to col. 5, l. 6, col. 6, ll. 19-24, and col. 7, ll. 12-19.

It is respectfully asserted that independent claims 1 and 12 are allowable over Myers et al. It is further respectfully asserted claims 8 and 11, which depend from claim 1, also are allowable over the cited reference.

SECTION 103 REJECTIONS

The Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Myers et al. in view of Tartaglia et al., U.S. Patent No. 5,637,113. Applicant respectfully traverses this rejection.

As asserted previously, independent claim 1 is allowable over Myers et al., which neither teaches nor suggests a polymeric film or sheet or tube that is retained to the structural support entirely by friction and without the use of adhesive or chemical bonding. It is respectfully submitted that Tartaglia et al. also does not teach or suggest this limitation.

It is respectfully noted that Tartaglia et al. teaches attaching a film or polymeric material to a stent structural member by adhesive, heat sealing, lamination or a mechanical connection. See Tartaglia et al. at col. 4, ll. 28-37. It is respectfully submitted that nowhere in Tartaglia et al. is attachment of the film or polymeric material to a stent structural member by friction taught or suggested.

It is respectfully asserted that independent claim 1 is allowable over the cited references. It is further respectfully asserted claims 9 and 10, which depend from claim 1, also are allowable over the cited references.

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Kaster, U.S. Patent No. 4,441,215, in view of Myers et al. Applicant respectfully traverses this rejection.

Independent claim 15 has been amended to recite the limitation that the polymeric sheet or tube is retained to the structural support entirely by friction and without the use of adhesive or chemical bonding. It is respectfully submitted that nowhere in Kaster is it taught or suggested that the compliant flexible covering 30, 32 is retained to the braided member 12 entirely by friction and without the use of adhesive or chemical bonding. As noted previously, Myers et al. neither teaches nor suggests this limitation. Therefore, it is respectfully asserted that independent claim 15 is allowable over the cited references.

The Examiner rejected claims 16, 17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Myers et al. in view of Pinchuk, U.S. Patent No. 5,053,048. Applicant respectfully disagrees with the Examiner's interpretation of Pinchuk and traverses this rejection.

Independent claims 16 and 19 have been amended to recite the limitation that the polymeric sleeve or sheet, respectively, is retained to the structural member entirely by friction and without the use of adhesive or chemical bonding.

As noted previously, Myers et al. neither teaches nor suggests a polymeric film or sheet (or sleeve) or tube that is retained to a structural member entirely by friction and without the use of adhesive or chemical bonding. It is respectfully submitted that Pinchuk also does not teach or suggest this limitation.

In the telephonic interview on August 28, 2003 the Examiner asserted that Pinchuk teaches adhering a coating to a medical device using friction. Specifically, the Examiner identified col. 2, l. 66 to col. 3, l. 7 of Pinchuk as supporting this interpretation.

It is respectfully noted that, although the portion of Pinchuk to which the Examiner refers indicates that a roughened or textured outside surface "may be useful" when applying a thromboresistant coating to the surface of a medical device, nowhere therein is it disclosed that the thromboresistant coating is retained to the medical device entirely by friction and without the use of adhesive or chemical bonding. It is further respectfully noted that Pinchuk actually teaches "chemically securing" the anti-thrombogenic material to the medical device. Pinchuk at col. 2, ll. 6-10, col. 3, ll. 11-15

and 23-41, and col. 7, ll. 27-33. It is respectfully submitted that Pinchuk cannot be interpreted to teach adhering a coating to a medical device entirely by friction and without the use of adhesive or chemical bonding.

It is respectfully asserted that independent claims 16 and 19 are allowable over the cited references. It is further respectfully asserted claim 17, which depends from claim 16, and claim 20, which depends from claim 19, also are allowable over the cited references.

The Examiner rejected claims 18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Myers et al. in view of Pinchuk in further view of Tartaglia et al. Applicant respectfully traverses this rejection.

As asserted previously, independent claims 16 and 19 are allowable over Myers et al. in view of Pinchuk, neither of which teaches or suggests a polymeric sleeve or sheet that is retained to a structural member entirely by friction and without the use of adhesive or chemical bonding. Also as noted previously, Tartaglia et al. does not teach or suggest this limitation.

It is respectfully asserted that independent claims 16 and 19 are allowable over the cited references. It is further respectfully asserted claim 18, which depends from claim 16, and claim 21, which depends from claim 19, also are allowable over the cited references.

ALLOWABLE SUBJECT MATTER

Applicant is grateful for the Examiner's allowance of claim 22 and for the suggestion of allowable subject matter based on claims 2-7, 13 and 14. Applicant has added new claim 23, which contains all the limitations of claim 6 and base claim 1. Applicant therefore believes that claim 23 is also in condition for allowance.

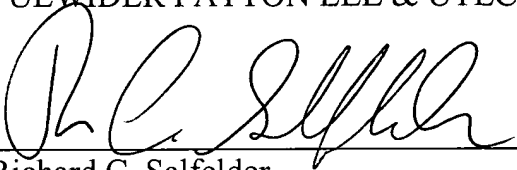
CONCLUSION

Applicant has attempted to respond to each and every objection and rejection set forth in the outstanding Office action. Applicant has reviewed the prior art made of record and not relied upon and believes the present claims are allowable thereover both individually and in combination with the references relied upon. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



Richard C. Salfelder

Registration No. 51,127

RCS:gbr

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

24172.1